

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 6, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - ZON-20397 - APPLICANT/OWNER: LUIS ROJAS**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 16, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-1/sd vote) recommends APPROVAL. If Approved, subject to:

**Planning and Development**

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-19675) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

**Public Works**

3. Dedicate a 10 foot radius on the southeast corner of Bonneville Avenue and 8<sup>th</sup> Street prior to the issuance of any permits.
4. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site of this site.
5. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.
6. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
7. Coordinate improvements adjacent to this site along Bonneville Avenue with the Engineering Design Section of the Department of Public Works to mitigate conflicts between this site and the Bonneville/Clark One Way Couplet project.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The purpose for this Rezoning is to reclassify this property from R-1 (Single-family Residential) to P-R (Professional Office & Parking).

A related Site Development Plan Review (SDR-19675) for a proposed 5,376 square-foot office building with a waiver of the perimeter landscape buffer standards to allow a four foot landscape buffer on the corner side where a 15 foot landscape buffer is required and a zero foot landscape buffer on the side and rear yards where an eight foot landscape buffer is required, and related Variances (VAR-20398 & VAR-20399) to allow eight parking spaces where 18 parking spaces are required and to allow a 50-foot lot width where 60 feet is required, a side yard setback of zero feet where eight feet is required, a rear yard setback of 13.33 feet where 15 feet is required, and a corner setback of 6.5 feet where 15 feet is required will be heard concurrently with this application.

The applicant is attempting to significantly overdevelop this parcel with a building that doesn't meet setbacks, landscaping standards, parking standards, and is proposing a modernist building in the Las Vegas High School Historic District.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/25/05	The City Council accepted a withdrawal without prejudice of a Variance (VAR-6937) to allow a five-foot setback where residential adjacency standards require 105 feet, a Variance (VAR-6938) to allow 24 parking spaces where 43 spaces are required, and a Site Development Plan Review (SDR-6934) for a 12,857 square-foot office building, and a Rezoning (ZON-7254) of this property and the adjacent two parcels to the south from R-1 (Single-family Residential) to P-R (Professional Office & Parking). These applications were for the two adjacent parcels to the south. Staff recommended approval of the Rezoning and denial of the Variances and Site Development Plan Review. The Planning Commission recommended approval of all applications.
04/12/07	<p>The Planning Commission recommended approval of companion items VAR-20398; VAR-20399 and SDR-19675 concurrently with this application.</p> <p>The Planning Commission voted 5-1/sd to recommend APPROVAL (PC Agenda Item #66/jk).</p>

<b><i>Related Building Permits/Business Licenses</i></b>	
11/19/04	Demolition permit 31045-R-04 was approved by Planning & Development and by Building & Safety.
<b><i>Pre-Application Meeting</i></b>	
01/5/07	At the pre-application meeting the applicant was informed about the setback and landscape requirements for the proposed development. The applicant was also informed about the parking requirements and was asked by Public Works to revise their parking layout to meet ADA requirements.
<b><i>Neighborhood Meeting</i></b>	
A pre-application meeting is not required for this application type, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.16 ac

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped*	MXU (Mixed-Use – Downtown Redevelopment Plan Area)	R-1 (Single-Family Residential District)
North	Office	MXU (Mixed-Use – Downtown Redevelopment Plan Area)	R-1 (Single-Family Residential District)
South	Undeveloped & Single-family Residential	MXU (Mixed-Use – Downtown Redevelopment Plan Area)	R-1 (Single-Family Residential District)
East	Office	MXU (Mixed-Use – Downtown Redevelopment Plan Area)	R-1 (Single-Family Residential District)
West	Office	MXU (Mixed-Use – Downtown Redevelopment Plan Area)	R-1 (Single-Family Residential District)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## ANALYSIS

This parcel is located in the Downtown Redevelopment Plan Area and has a land-use designation of **MXU (Mixed Use)**. The Mixed-Use category allows for a mix of uses that are normally allowed within the L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), and GC (General Commercial) Master Plan land use categories.

The proposed Rezoning to the P-R (Professional Office & Parking) zoning district is a permitted zoning designation in the O(Office) land-use category, which is a supported land-use designation within the MXU land-use designation.

The P-R District is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single family structures should be retained or new development in the P-R District should be constructed to maintain a residential character. The P-R District is consistent with the Office category of the General Plan.

The proposed development is located within the Las Vegas High School Historic District, which is dominated by Revival styles such as Tudor, Spanish and Colonial, and several Ranch style buildings. All development within this area, regardless of the zoning district, should maintain building styles that maintain the character of the Las Vegas High School Historic District.

## FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

The proposed Rezoning does conform to the General Plan. Staff recommended approval of a prior Rezoning (ZON-7254) which included the subject site as part of a larger request.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

While the use proposed in a related Site Development Plan Review (SDR-19675) is not compatible with the surrounding land uses, a compatible use could be designed for this site in the P-R (Professional Office & Parking) Zoning District.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The changing nature of the area with 27, R-1 (Single-family Residential) and P-R (Professional Office & Parking) zoned offices within a block of this site indicate a rezoning may be appropriate.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Both Eighth Street and Bonneville Avenue should experience little impact from this development.

**PLANNING COMMISSION ACTION**

There were four speakers in opposition at the Planning Commission Meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 191 by Planning Department

**APPROVALS** 2

**PROTESTS** 0